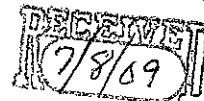


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July 7, 2009

***VIA EMAIL & OVERNIGHT DELIVERY***

Judge Maxine M. Chesney  
 U.S. District Court  
 450 Golden Gate Ave  
 San Francisco, CA 94102

Re: ***Simon v. Adzilla, 09-cv-879 MMC***

Judge Chesney:

This letter is in regard to the hearing scheduled in this case for Friday, July 10, 2009 on Defendant Core Communications's Motion to Dismiss. In response, Plaintiff Simon filed her Motion for Leave to Conduct Jurisdictional Discovery, the hearing for which is currently set for July 31, 2009. These dates have not yet been reconciled to allow Plaintiff's request for jurisdictional discovery to be heard prior to the substantive motion for which it is sought. Efforts to resolve this issue without Court involvement have been unsuccessful. Further complicating scheduling matters is Defendant Core's desire to reschedule the hearing on Plaintiff's Motion due to a scheduling conflict.

As counsel for Plaintiff, we feel that it is appropriate to stay the hearing because Core raised jurisdictional defenses in its Rule 12(b)(2) motion to dismiss. As a result, Plaintiff contends that she needs to conduct jurisdictional discovery in order to respond fully to the Motion to Dismiss. Accordingly, we ask that the Court hear and decide Plaintiff's Motion for Leave to Conduct Jurisdictional Discovery before considering Core's Motion to Dismiss.

There exists a template for this very situation, as ordered by Judge Henderson in the matter of *Valentine v. NebuAd*, 08-cv-5113 TEH (EMC). In *NebuAd*, Plaintiffs filed their motion for leave to conduct jurisdictional discovery and Judge Henderson stayed all motions to dismiss in order to give Judge Chen time to decide Plaintiffs' motion for leave to conduct jurisdictional discovery. (*NebuAd*, DKT. 70.) A copy of this Order is enclosed.

We urge this Court to follow the same approach ordered by Judge Henderson in *NebuAd*, and stay the hearing on Core's Motion to Dismiss until resolution of Plaintiff's motion for leave to conduct jurisdictional discovery.

Sincerely,

Michael J. Aschenbrener

cc: (via email only) Joseph Edward Addiego, III  
Gavin Lewis Charlston  
Beatriz Mejia  
Michael G. Rhodes  
Rocky N. Unruh

Scott A. Kamber  
Alan Himmelfarb  
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